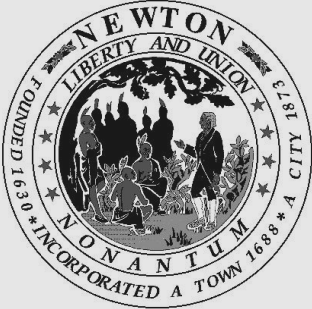

CITY OF NEWTON, MASSACHUSETTS

ZONING REFORM GROUP

MEETING NOTES

DATE: April 28, 2011



Setti D. Warren
Mayor

Candace Havens
Director
Planning & Development
Department

Members

Ald. Deborah Crossley, Chair
Marc Hershman
Peter Kilborn
Howard Levine
Jennifer Molinsky
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Executive Summary

The Zoning Reform Scoping Group (ZRG) met on April 28, 2011. Attending were Alderman Deborah Crossley, Chairman, Howard Levine, Jason Rosenberg, Marc Hershman, Terry Morris, Steve Vona, and Jennifer Molinsky, also in attendance were Seth Zeren, Chief Zoning Code Official and staff to the ZRG.

For more information please contact Seth Zeren at 617-796-1145 or szeren@newtonma.gov.

Economic Development, Land Use, and Mixed Use

- 1) Objectives from Comprehensive Plan – Balance conflicts
- 2) Diagnose Barriers in Zoning
- 3) What can be done?
 - a. Principles
 - b. Areas for improvement

Zoning and Economic Development – General Discussion

- There are four major types of commercial centers identified in the Comprehensive Plan:
 - Regional Centers
 - Village Centers
 - Local Centers
 - Neighborhood Centers
- Where can growth be concentrated without neighborhood impacts?
 - When will impacts be unavoidable for desired developments?
- Consider past special permit mitigations
 - Develop “menu” of possible mitigations
- Process for moving forward
 - Discussion of upcoming schedule
 - Discussion of public meeting
 - Discussion of committee homework outside of meetings
 - Alternative discussion models
 - Inviting guests

Preserving the Past  Planning for the Future



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- Other models of Zoning: (desire for specific examples)
 - Negotiated Zoning
 - Performance Zoning
 - Form Based Zoning
- Bring readings and presentation on “world of zoning” for next meeting

Economic Development – Objectives Identified in the Comprehensive Plan

- There is the potential for moderate growth in the future
 - Not “no growth,” not “too fast”
 - More commercial potential
 - Less residential potential
- Development has potential to add significant tax revenue and employment
 - Newton has few locations that support the types of businesses where many Newton residents work (institutions, Class A office space, research and development)
 - Conversely, there is a lack of housing that is affordable for those who do work in Newton
- The type and amount of development varies with type of center
 - Interest was expressed in how initial development might spur additional development in the surrounding area.
- It should be noted that the Comprehensive Plan’s calculations of potential development does not assume changes in Zoning
- There is an assumption of “market demand” – that developers will be willing to pay for the wide range of added costs of doing business with Newton
 - This assumption has changed with the new real estate market
- Some committee members suggest that we focus our efforts on “regional centers”
- Question from the committee: do we have the right mix of commercial development?
 - Should we encourage other uses to come in
- Economic development can lead to local jobs
- Manufacturing is not coming back to Newton, but there is potential for Research and Development uses.
- Big Question: Does current zoning get us the taxes and jobs we want?

Mixed-Use Element – Discussion of Proposed Comprehensive Plan Amendment

- The general thrust of the element is “take the city as a given, and make it better” (Phil Herr)
- There are multiple objectives for mixed use development
 - More affordable housing
 - Walkability, vitality, and attractiveness
 - Economic development
- Need for public participation from beginning



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- Collaborative impact analysis
 - Requires development proposals to not be a forgone conclusion
 - Helps avoid neighborhood opposition
- In order to bring the Mixed Use element into effect, zoning revisions would also be required
 - Element does not contain regulatory proposals, but suggests some options
 - In particular revisions to the Planned Mixed Use Business Development
- Question from the committee: how to balance developer/property owner rights and economic constraints with community?
 - The committee discussed past experiences in Chestnut Hill and on Needham Street
 - As population realizes they can't demand everything, developers will walk away
 - Then we may choose to actually allow commercial development
 - Require a clear determination of "harm" from new development

Summary of objects from a)-g) in the Comprehensive Plan

- Jobs
- Taxes
- In keeping with context

Barriers to Economic Development in the Zoning Ordinance

- Needham Street is a good example of the overlapping barriers to development in Newton
 - Infrastructure (road capacity)
 - Zoning (allowed density, types of use)
 - Neighborhood opposition (to special permits)
- Land values are high (because Newton is a desirable place), but that means high taxes
- There are significant cost add-ons for working in Newton
 - Landscaping, infrastructure, mitigation for neighbors, separate access roads
 - Costs for mitigations are unpredictable and inconsistent
 - Creates the sense of "micromanaging" large commercial properties
 - Complex, lengthy approval process (costs more in legal fees)
- Another barrier is the lack of zoning specifically for each type of commercial center
 - The zoning of Chestnut Hill Mall is the same as that for Newton Center
 - Zones are spread city wide across very different neighborhoods
- There was a discussion of how and why the Newton Center Task Force failed
 - The village community failed to find consensus, not just the larger city
 - Lack of political leadership/capital
- General concern over how small groups (even a couple people) who have loud voices can stop the process.
 - Pockets of fears
 - Neighborhood Groups
 - Not in my back yard (NIMBY)



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- No voice for silent majority or city-wide interests
- Developers are afraid of public input
 - NIMBY Backlash (reaction to Stop and Shop on Needham St.)
 - “Death by meeting”, opposition and attrition
 - Only those that care the most (negatively) keep showing up, till everyone else doesn’t
 - Public debate extends the design review process (and increases developer costs)
- Barriers to overcoming small-local opposition
 - Residential reaction outweighs other stakeholders
 - Board structure

Action Steps to Remove Zoning Barriers to Economic Development

- Need to clearly lay out process for property owners/developers
- Need to audit ordinance for specific barriers
 - Uses (green businesses, biotech, etc.)
 - Parking
 - Density
- Consider creating business enterprise zones
- Drawing from the Mixed Use Task Force recommendations, how can a collaborative process be used to shape a proposal from the early stages?
 - How to balance stakeholders (esp. residential vs. commercial)
- Consider what body is the Special Permit Granting Authority (SPGA)
- Need to set clear measurable standards
 - Identify the impacts that are unacceptable and let development that meets those standards proceed
- Need to consider what can be learned from zoning tools from elsewhere
- Balancing “flexibility” and “predictability”
- Consider using:
 - Negotiated/collaborative zoning
 - Incentive based zoning
 - Form based zoning
 - Performance zoning
- Need to consider how to participate in economic growth along the 128 corridor
- Need to re-examine our “appropriate mitigation” requirements
 - Need for consistency and predictability
 - Developers need upfront cost estimates
 - Examine past special permit mitigation fees
 - Consider Impact fees (need an update of the Mass State Law enabling zoning)
- Identify preferred mitigations through an upfront master planning process
 - Identify the needs of each area (neighborhood planning)
 - Menu of mitigations
- Need for more specific Special Permit criteria



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- Need to allow some commercial development in village centers by right
- Need to engage in proactive zoning
 - Agree on what we want
 - But, land use drivers change without anticipation
- Need to make our process more user friendly, streamline steps
- Need to fine tune zoning through overlays, increasing the number of zones
 - Support village zones or overlays